

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Kenon Roderick Ontel Stevens,)
) Civil Action No. 0:13-cv-02199-JMC
Plaintiff,)
)
v.)
)
Luther Brown, *Agent of Dorchester County*)
PPP; Unknown Officer, Agent of)
Orangeburg County PPP; Doctor)
Wimberly, Doctor of SHP DCDC; Captain)
Van Doran, *Captain of DCDC,*)
)
Defendants.)

)

ORDER

This matter is before the court for review of the Magistrate Judge's Report and Recommendation (ECF No. 48), filed March 25, 2014, recommending that this action be dismissed in accordance with Rule 41(b) of the Federal Rules of Civil Procedure for lack of prosecution and that all pending motions be terminated. Plaintiff, proceeding *pro se*, brought this action seeking relief pursuant to 42 U.S.C. § 1983. The Report and Recommendation sets forth in detail the relevant facts and legal standards on this matter, and the court incorporates the Magistrate Judge's recommendation herein without a recitation.

The Magistrate Judge's Report and Recommendation is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objections are made, and the court

may accept, reject, or modify, in whole or in part, the Magistrate Judge's recommendation or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

The Magistrate Judge advised Plaintiff that if he failed to respond to Defendants Luther Brown and Captain Van Doran's motion to dismiss or, in the alternative, for summary judgment (ECF No. 41) his case may be dismissed. (Order, ECF No. 10 at 3.) To date, Plaintiff has failed to respond to the Magistrate Judge's order. The court further notes that while the order advising Plaintiff of the dismissal and summary judgment procedures and the possible consequences if he failed to respond was returned to the court as undeliverable that Plaintiff has not advised the court of any change in address.

After a thorough review of the Report and Recommendation and the record in this case, the court adopts the Magistrate Judge's Report and Recommendation (ECF No. 48). It is therefore **ORDERED** that Plaintiff's action is **DISMISSED** for lack of prosecution pursuant to Fed. R. Civ. P. 41(b) with prejudice.

IT IS SO ORDERED.



United States District Judge

Columbia, South Carolina
April 15, 2014